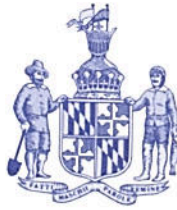


**DOUGLAS F. GANSLER**  
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**KATHERINE WINFREE**  
*Chief Deputy Attorney General*

**JOHN B. HOWARD, JR.**  
*Deputy Attorney General*



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**OFFICE OF THE ATTORNEY GENERAL**  
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410.333.7467

WRITER'S DIRECT DIAL NO.

410.767.1875

March 18, 2013

The Honorable Susan K. Gauvey  
United States District Magistrate Judge  
101 W. Lombard Street  
Baltimore, Maryland 21201

Re: Defendants' Status Report  
Scott v. Department of Corrections  
U.S. District Court – Case No. 1:09-cv-03328-JFM

Dear Magistrate Judge Gauvey,

Per Your Honor's Order of December 7, 2012, Defendants submit this letter regarding 1 the status of the above-referenced case.

To date, most, if not all, of the documents responsive to both parties' discovery requests have been exchanged. Also, on or about February 28, 2013, the parties filed a Consent Motion to Amend Scheduling Order along with a proposed Second Amended Scheduling Order, copies of which are attached for your convenience. To date, no Order has been issued in this regard.

The undersigned continues to make efforts to schedule the Plaintiff's deposition and to assist Plaintiff's counsel in scheduling the depositions of Defendants and others; however, a schedule has yet to be established. Plaintiff's counsel insists that Plaintiff's deposition cannot be accomplished until Defendants' depositions are accomplished but has not confirmed proposed dates, times or the specific names of those he would like to depose on a given date. On or about March 15, 2013, Plaintiff requested additional hours during which to depose Defendants and others. Defendant's do not object to this request. I am hopeful that once there is a ruling on Plaintiff's request and the Consent Motion, Plaintiff will make every effort to finalize a deposition schedule that can be accomplished before the proposed deadline of May 20, 2013.

Should Your Honor require additional information, please do not hesitate to contact me.

The Honorable Susan K. Gauvey

Re: Status Report

Scott v. Department of Corrections

U.S. District Court – Case No. 1:09-cv-03328-JFM

Respectfully,

DOUGLAS F. GANSLER  
ATTORNEY GENERAL OF MARYLAND

/s/

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Francesca Gibbs  
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Assistant Attorney General  
Maryland Attorney General's Office  
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Baltimore, Maryland 21201  
Ph: 410.767.1875  
Fax: 410.333.7467  
E-Mail: francesca.gibbs@maryland.gov

Enclosures

cc: Stephanie Lane-Weber, Esquire, Assistant Attorney General, Counsel for Defendants  
Laurence A. Marder, Esquire, Counsel for Plaintiff

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

PHILLIP MICHAEL SCOTT, #348-326 \*

Plaintiff, \*

vs. \*

Case No. JFM-09-3328

DEPARTMENT OF CORRECTIONS, *et al.* \*

Defendants. \*

\* \* \* \* \*

**SECOND CONSENT MOTION TO AMEND SCHEDULING ORDER**

Defendants, Correctional Officers Lee Ingram, John Whiteman, Gene Miller, Deron Sterling, Dennis Messer, Kenneth Horning, Bradley Wetzel, Rodney Gardenhour, and Michael Stouffer (collectively "Defendants") by and through their counsel, Douglas F. Gansler, Attorney General of Maryland, and Francesca Gibbs, Assistant Attorney General, move to amend the scheduling order in this matter for the following reasons:

1. Plaintiff Phillip Scott ("Plaintiff") seeks to take approximately twelve (12) depositions, and Defendants seek to depose Plaintiff. To date, Counsel has encountered a great deal of difficulty coordinating their respective schedules, along with those of the witnesses, in order to arrange for these depositions. Further, Plaintiff's counsel recently indicated he intends to request a total of fifteen (15) hours to accomplish his requested depositions.
2. Counsel have exchanged all written forms of discovery at this point.

3. By way of a conference with Plaintiff's counsel, undersigned counsel has agreed that sixty (60) day extension of most deadlines would assist the parties in accomplishing these depositions.
4. A proposed order is attached.
5. Plaintiff's court-appointed lawyer, Laurence A. Marder, Esq., kindly consents to the granting of this Motion.
6. This Motion is not made for purposes of delay.

WHEREFORE, it is respectfully requested that this Court amend the scheduling order.

Respectfully submitted,  
DOUGLAS F. GANSLER



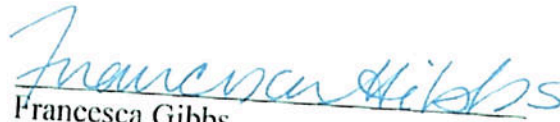
Francesca Gibbs  
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francesca.gibbs@maryland.gov  
*Attorneys for Defendants*



CERTIFICATE OF SERVICE

I HEREBY CERTIFY on this 28<sup>th</sup> day of February, 2013, that a copy of Defendants' Second Motion to Amend Scheduling Order, and proposed Second Amended Scheduling Order was delivered electronically to:

Laurence Marder, Esquire  
Federal Bar No. 02443  
Salsbury Clements Bekman  
Marder & Adkins, LLC  
300 W. Pratt Street, Suite 450  
Baltimore, Maryland 21201  
(410) 539-6633  
Attorney for Plaintiff

  
Francesca Gibbs

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

PHILLIP MICHAEL SCOTT, #348-326 \*

Plaintiff, \*

vs. \*

Case No. JFM-09-3328

DEPARTMENT OF CORRECTIONS, *et al.* \*

Defendants. \*

\* \* \* \* \*

**SECOND AMENDED SCHEDULING ORDER**

Upon this Court's consideration of the Second Consent Motion to Amend Scheduling Order filed by Defendants, said Motion is hereby **GRANTED**, and the Second Amended Scheduling Order is as follows:

Discovery deadline (including depositions); submission of status report	May 20, 2013
Requests for admission	June 10, 2013
Ex parte settlement letter to U.S. Magistrate Judge Gauvey	June 12, 2013
Plaintiff's demand letter and itemization of damages due to Defendants	June 12, 2013
Defendants' offer letter due to Plaintiff	June 19, 2013
Settlement conference	June 26, 2013
Dispositive pretrial motions deadline	October 18, 2013

\_\_\_\_\_  
Date

\_\_\_\_\_  
Judge